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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,910	06/07/2006	Tadamasa Toma	2006_0843A	9216
52349 7590 04/24/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
DAZENSKI, MARC A				
ART UNIT		PAPER NUMBER		
2621				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,910

Applicant(s)

TOMA ET AL.

Examiner

MARC DAZENSKI

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 6-07-06, 1-04-08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14, 16, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14, 16, and 18 all refer to storing "based on a predetermined condition." However, the term "predetermined condition" is not defined in the specification in any way that would allow one of ordinary skill in the art to understand what that condition is, or how it is used to in conjunction with the claimed "second storage unit." As written it is unclear as to what the "predetermined condition" entails.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada et al (US PgPub 2002/0018643), hereinafter referred to as Okada.

Regarding **claim 14**, Okada discloses an information recording medium, apparatus and method for recording or reproducing data thereof. Further, Okada discloses a DVD recorder which records an input broadcast and encodes it according to the MPEG standard into VOBUs, which reads on the claimed, "a picture coding apparatus which codes pictures on a picture-by-picture basis, and generates a random access unit as a part of a stream, the random access unit including the coded pictures," as disclosed at paragraphs [0100], [0169], [0174]-[0175], and exhibited in figure 20; the apparatus comprising:

encoder (214) which encodes the video stream into GOP's according to the MPEG standard, which reads on the claimed, "a coding unit operable to generate pieces of coded picture data by coding the pictures on a picture-by-picture basis," as disclosed at paragraphs [0100] and [0174];

system controller (212) which generates digital broadcast object information "D_VOBI" which includes access map (86c) which has two map layers, PCR map (811) and PTS map (813), which reads on the claimed, "an information generation unit operable to generate pieces of picture parameter set information, each of which is a parameter group to be referenced for decoding each piece of the coded picture data," as disclosed at paragraphs [0189], [0215], and exhibited in figures 20 and 22A;

drive (221) reads data from track buffer (220) and writes this to DVD-RAM disc (100), wherein the data comprises digital broadcast object information "D_VOBI," which reads on the claimed, "a first storage unit operable to store the pieces of the coded

picture data respectively into access units that constitute the random access unit," as disclosed at paragraphs [0189]-[0190];

drive (221) recording a digital broadcast "D_VOB" to disc, which comprises D_VOBI, which comprises access map (86c) comprising PCR map (811) and PTS map (813), the management unit of the access map being referred to as a "block," each block containing a plurality of transport packets, which reads on the claimed, "a second storage unit, based on a predetermined condition, operable to store each pieces of the picture parameter set information into a first access unit that is located at a head of the random access unit, or into an access unit in which a piece of the coded picture data that refers to the piece of the picture parameter set information is stored," as disclosed at paragraphs [0215]-[0222] and exhibited in figure 22A; and,

in PCR map (811), there are as many table entries as there are blocks, which reads on the claimed, "wherein said second storage unit is operable to store a plurality of the pieces of the picture parameter set information into the first access unit, and to limit the number of pieces of the picture parameter set information stored in the first access unit," as disclosed at paragraph [0218] (wherein the number of pieces of picture parameter set information stored in the first access unit is of course limited because there is only a finite amount of storage space).

Regarding **claim 15**, Okada discloses everything claimed as applied above (see claim 14). Further, Okada discloses DVD recorder capable of a playback operation which utilizes system controller (212) to interpret PGC information to determine the first movie object in the AV stream to be reproduced, which reads on the claimed, "a picture

decoding apparatus which accesses a stream by a random access unit, the stream generated by said picture coding apparatus according to Claim 14, and decodes pieces of coded picture data," as disclosed at paragraphs [0193]-[0198] and exhibited in figure 20; the apparatus comprising:

utilizing PCR map (811) and PTS map (813) contained in digital broadcast object information "D_VOBI" as well as an I-picture validity flag (821) to indicate the start playback block for reproduction, which reads on the claimed, "a picture specification unit operable to specify a part of the pieces of the coded picture data to be decoded from the pieces of the coded picture data so as to specify a piece of the coded picture data stored in a first access unit that is located at a head of the random access unit; an obtainment unit operable to obtain, from the first access unit or an access unit which stores the coded picture data to be decoded, picture parameter set information which is a parameter group referenced for decoding the coded picture data to be decoded," as disclosed at paragraphs [0226]-[0240]; and,

data is read from the file containing the digital broadcast object specified by D_VOB_GI and it is decoded and reproduced, which reads on the claimed, "a decoding unit operable to decode the coded picture data to be decoded by referring to the picture parameter set information," as disclosed at paragraph [0240] (wherein the general playback operation of decoder (218) is described in paragraphs [0198]-[0200] and exhibited in figure 20.

Regarding **claims 16-17**, the examiner maintains that the claims are merely the corresponding method claims to the apparatus claims of 14-15, and therefore the

limitations of the claim are rejected in view of the explanation set forth in claims 14-15 above.

Regarding **claim 18**, the limitations of the claim are rejected in view of the explanation set forth in claim 16 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/
Examiner, Art Unit 2621